

Case Comparison

TABLE 1: Comparison of Tip and Probable Cause
Language

Case	Tip Language	Probable Cause Language
<i>In the Matter of the Search of the Premises Located at 7850 Westmont Lane, McLean, Virginia 22102, Case No. 1:20-SW-110 (E.D. Va., Feb. 10, 2020) (Affidavit in Support of Search Warrant) (ECF No. 254-3)</i>	“In August 2019, a foreign law enforcement agency (‘FLA’) known to the FBI and with a history of providing reliable, accurate information in the past, notified the FBI that the FLA determined that on May 23, 2019, a user of IP address 98.169.118.39 accessed online child sexual abuse and exploitation material via a website that the FLA named and described as the TARGET WEBSITE.” Affidavit (ECF No. 254-3) at ¶ 25; <i>but see</i> 02/06/2020 Operational Plan, attached as Ex. 44, at 10 (“[REDACTED]” (emphasis added); <i>see also</i> FD-1057 (ECF No. 427-5B) at 2 (similar). ¹	“There is probable cause to believe that a user of the Internet account at the SUBJECT PREMISES accessed the TARGET WEBSITE . . .” <i>Id.</i> at ¶ 6.
<i>United States v. Paul Bateman, Case No. 1:20-CR-10012-IT (D. Mass., Dec. 27, 2021) (Motion to Suppress)</i>	“In the course of this investigation, a foreign law enforcement agency (hereinafter, ‘FLA’) known to U.S. law enforcement and with a history of providing reliable, accurate information in the past, notified U.S. law enforcement that FLA had determined that on April 30, 2019 at 10:38:18 UTC, IP address 73.142.30.140 was used to access online child sexual abuse and exploitation material via a website.” Ex. 6 (<i>Bateman</i> Motion to Suppress) at 2 (quoting affidavit).	Unknown (search warrant remains under seal)
<i>United States v. Zachary M. Stauffer, Case No. 4:20-MJ-04005-RJD (S.D. Ill., Jan. 28, 2020) (Complaint)</i>	“In August 2019, the FBI received information from the FLA that the Internet Protocol (‘IP’) address 75.129.243.208, which was the actual IP address and not a disguised proxy address, accessed [REDACTED] on April 29, 2019 at 12:58:02 UTC.” Ex. 5 (<i>Stauffer</i> Complaint) at ¶ 7 (emphasis added); <i>see also</i> <i>Stauffer</i> Statement of Facts, attached as Ex. 45, at ¶¶ 1-2 (“In or about January, 2020, Agents with the Federal Bureau of Investigation (hereinafter, ‘FBI’) were conducting a proactive investigation into the receipt and distribution of child pornography. . . During this investigation, Agents received information from the FBI’s Child Exploitation	The search warrant affidavit, if any, remains sealed.

¹ Both the Operational Plan, attached as Ex. 44, and the FD-1057 (ECF No. 427-5B) are inconsistent with the government’s continued claim that the tip meant that the Sanders family’s IP address viewed any illegal content on [REDACTED] as opposed to merely visited [REDACTED] one time.

Case	Tip Language	Probable Cause Language
	Operations Unit that a specific IP address was recorded <i>accessing</i> this targeted website on April 29, 2019.”) (emphasis added).	
<i>In the Matter of the Search of 4068 Fairbanks Drive, Chipley, Florida 32428, Case No. 5:20-MJ-44-MJF (N.D. Fl., May 6, 2020) (Affidavit in Support of Search Warrant)</i>	<p>“In August 2019, a foreign law enforcement agency (referenced herein as ‘FLA’) known to the FBI and with a history of providing reliable, accurate information in the past, notified the FBI that FLA determined that on April 12, 2019 at 10:51:20 (UTC), IP address 104.191.59.32 ‘was used to access online child sexual abuse and exploitation material’ via a website that the FLA named and described as the TARGET WEBSITE.” Ex. 12 (Florida Affidavit) at ¶ 27.</p> <p>“IP address 104.191.59.32 which was <i>used to access</i> TARGET WEBSITE on April 12, 2019 . . .” Ex. 12 (Florida Affidavit) at ¶ 33 (emphasis added).</p>	<p>“There is probable cause to believe that a user of the Internet account at the SUBJECT PREMISES accessed the TARGET WEBSITE. . .” <i>Id.</i> at ¶ 7.</p>
<i>In the Matter of the Search of Property of 5855 Hunting Lodge Road, Pleasant Garden, NC 27313, Case No. 1:20-MJ-243-LPA (M.D.N.C., Aug. 18, 2020) (Affidavit in Support of Search Warrant)</i>	<p>“In August 2019, a foreign law enforcement agency (referenced herein as ‘FLA’) known to the FBI and with a history of providing reliable, accurate information in the past, notified the FBI that FLA determined that on April 22, 2019 through May 17, 2019, three (3) different dynamic IP addresses (74.177.187.154; 74.177.187.134; 74.177.188.208) were used to access online, child sexual abuse and exploitation material via the three websites that the FLA named and described as TARGET WEBSITES 1, 2, and 5.” Ex. 9 (North Carolina Affidavit) at ¶ 54.</p>	<p>“There is probable cause to believe that a user of the Internet account at the SUBJECT PREMISES accessed the TARGET WEBSITE . . .” <i>Id.</i> at ¶ 6.</p>
<i>In the Matter of the Search of Entire property located at 291 Old Brunswick Rd., Gardiner, Maine 04345, Case No. 1:20-MJ-00255-JCN (D. Me., Sept. 8, 2020) (Affidavit in Support of</i>	<p>“In August 2019, a foreign law enforcement agency (referenced herein as ‘FLA’) known to the FBI and with a history of providing reliable, accurate information in the past, notified the FBI that FLA determined that on May 17, 2019, IP address 74.65.161.34 ‘was used to access online child sexual abuse and exploitation material’ via a website that the FLA named and described as the TARGET WEBSITE.” Ex. 13 (Maine Affidavit) at ¶ 18.</p>	<p>“There is probable cause to believe that a user of the Internet account at the SUBJECT PREMISES accessed the TARGET WEBSITE . . .” <i>Id.</i> at ¶ 6.</p>

Case	Tip Language	Probable Cause Language
Search Warrant)		
<i>United States v. Vincent Kiejzo, Case No. 4:20-CR-40036-TSH (D. Mass., Oct. 19, 2021) (Defendant's Objection)</i>	The FLA 'notified U.S. law enforcement that the FLA had determined that on May 12, 2019... [the IP address] was used to access online child sexual abuse and exploitation material via a website that the FLA named and described as Website 2 [and 3].'" Ex. 2 (<i>Kiejzo</i> Objection) at 11.	The affidavit alleged that there was probable cause to believe that a user of the Internet account had accessed, one time each on a single date in May 2019, two Tor-hidden services geared towards the sexual exploitation of minors. <i>Id.</i> at 2 (characterizing affidavit).
<i>In the Matter of Search of Premises located at 6603 Crimson Lane, Barnhart Missouri, 63012, Case No. 4:20-MJ-3301-NCC (E.D. Mo., Nov. 12, 2020) (Affidavit in Support of Search Warrant)</i>	<p>"In August 2019, a foreign law enforcement agency (referenced herein as 'FLA') known to the FBI and with a history of providing reliable, accurate information in the past, notified the FBI that FLA determined that on May 24, 2019, IP address 76.253.61.232 'was used to access online child sexual abuse and exploitation material; via a website that the FLA named and described as the TARGET WEBSITE.'" Ex. 11 (Missouri Affidavit) at ¶ 25.</p> <p>"On May 24, 2019, TARGET WEBSITE <i>as accessed</i> at 01:34:38 UTC from IP address 76.253.61.232 . . ." <i>Id.</i> at ¶ 31 (emphasis added).</p>	"There is probable cause to believe that a user of the Internet account at the SUBJECT PREMISES accessed the TARGET WEBSITE . . ." <i>Id.</i> at ¶ 6.
<i>In the Matter of Search at 234 South Magnolia Avenue, Lansing Michigan 48912, Case No. 1:20-MJ-00481-</i>	"In August of 2019, a Foreign Law Enforcement Agency (referenced herein as 'FLA') known to the FBI, and with a history of providing reliable, accurate information in the past, contacted the FBI. The FLA provided the following information: On May 14, 2019, at 19:52:14 UTC, a user of IP address 52.144.3857 accessed online child sexually abusive and exploitative material via a website on the Tor network the TARGET WEBSITE," which the FLA provided	"Probable cause exists that any user who accessed TARGET WEBSITE has, at a minimum, knowingly

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SJB (W.D. Mi., Nov. 19, 2020) (Affidavit in Support of Search Warrant)	documentation that referred to the TARGET WEBSITE “by its actual name.” Ex. 15 (Michigan Affidavit) at ¶¶ 27-28.	accessed the TARGET WEBSITE with intent to view child pornography, or attempted to do so.” <i>Id.</i> at ¶ 25.
<i>In the Matter of the Search of 54 Spruce St., Apartment 6, Burlington, VT, Case. No. 2:20-MJ-00143-KJD (D. Vt., Dec. 4, 2020) (Affidavit in Support of Search Warrant)</i>	<p>“In or around August 2019, an FLA known to U.S. law enforcement and with a history of providing reliable, accurate information in the past, notified U.S. law enforcement that FLA had determined that on April 18, 2019 at 14:45:04 Coordinated Universal Time (‘UTC’), IP address 69.5.116.44 was used to access online child sexual abuse and exploitation material via the CP Website which FLA named and described.” Ex. 10 (Vermont Affidavit) at ¶ 36.</p> <p>“FLA advised U.S. law enforcement that it had obtained information related to <i>access to</i> the CP Website by IP address 69.5.116.44, as well as other IP addresses . . .” <i>Id.</i> at ¶ 37 (emphasis added).</p> <p>“IP address 69.5.116.44 [was] <i>used to access</i> the CP Website on dates ranging from April 18, 2019 through May 5, 2019.” <i>Id.</i> at ¶ 43 (emphasis added).</p>	“There is probable cause to believe that a user of the Internet account at the TARGET PREMISES accessed the CP Website . . .” <i>Id.</i> at ¶ 7.
<i>United States v. Thomas S. Clark, Case No. 2:21-MJ-00147-JLW (W.D. Wash., March 11, 2021) (Complaint)</i>	“HSI was notified by the foreign law enforcement agency that IP Address 73.35.134.84 <i>accessed</i> the TARGET WEBSITE on April 12, 2019, at 20:19:48 UTC.” Ex. 4 (<i>Clark</i> Complaint) at ¶ 7 (emphasis added).	The search warrant affidavit remains sealed.
<i>United States v. David Corwin, Case No. 2:21-CR-00218-JS (E.D.N.Y., Mar. 23, 2021) (Complaint)</i>	“In or around August 2019, the FBI received information from a foreign law enforcement agency regarding an internet user, who, on or about April 27, 2019, utilized the IP Address 69.124.30.198 to <i>access a website</i> on the dark web that was called ‘[REDACTED]’. This site was known by law enforcement to host child pornography.” <i>Corwin</i> Complaint (ECF No. 354-9) at ¶ 3 (emphasis added).	N/A
<i>In the Matter of the Search of the premises</i>	“In February 2020, the HSI Manchester, NH, office received information that originated from a foreign law enforcement agency known to the Federal Bureau of Investigation	N/A

Case	Tip Language	Probable Cause Language
<p><i>known as 31 Adams Avenue, Rochester, NH, Case No. 1:21-MJ-00146-AJ (D. NH., June 7, 2021) (Affidavit in Support of Complaint)</i></p>	<p>(FBI) and with a history of providing reliable, accurate information in the past. In part, the information provided by the foreign law enforcement agency specified that on April 28, 2019, at 20:25:08 UTC, an individual originating from IP address 65.175.213.176 <i>accessed</i> a known Darknet web site that facilitated the sharing of child sex abuse and exploitation material with a particular emphasis on indecent material of young boys. Users of the website were able to view some material without creating an account. However, an account was required to post and access all content.” Ex. 14 (New Hampshire Affidavit) at ¶ 8 (emphasis added). <i>See also</i> Ex. 22 (<i>Clemence Complaint</i>) (same).</p>	

TABLE 2: Comparison of Derogatory Information and Law Enforcement Action

Case	Other Derogatory Information	Law Enforcement Action
<i>In the Matter of the Search of the Premises Located at 7850 Westmont Lane, McLean, Virginia 22102, Case No. 1:20-SW-110 (E.D. Va., Feb. 10, 2020) (Affidavit in Support of Search Warrant) (ECF No. 254-3)</i>	None. <i>See also</i> FD-1057 (ECF No. 427-5B).	Obtained search warrant.
<i>United States v. Paul Bateman, Case No. 1:20-CR-10012-IT (D. Mass., Dec. 27, 2021) (Motion to Suppress)</i>	None that the defense is aware of.	Obtained search warrant.
<i>United States v. Zachary M. Stauffer, Case No. 4:20-MJ-04005-RJD (S.D. Ill., Jan. 28, 2020) (Complaint)</i>	Mr. Stauffer was a registered sex offender who had previously been convicted of Aggravated Criminal Sexual Abuse/Victim less than 13. <i>Id.</i> at ¶ 8.	The FBI twice went to Mr. Stauffer's residence to speak with him, and he admitted to viewing child pornography online, including on websites like [REDACTED] <i>Id.</i> at ¶¶ 11, 14. Mr. Stauffer shared his username and password to [REDACTED] with the FBI agents, <i>Id.</i> at ¶ 11, and he consented to the FBI searching his electronic devices, <i>id.</i> at ¶ 12. <i>See also</i> Ex. 45 (<i>Stauffer</i> Statement of Facts) at ¶¶ 3-8.
<i>In the Matter of the Search of 4068 Fairbanks Drive, Chipley, Florida 32428, Case No. 5:20-MJ-44-MJF (N.D. Fl., May 6, 2020) (Affidavit in Support of Search Warrant)</i>	One of the two residents had been arrested after being accused of sexually abusing a six-year-old by performing the victim to perform sexual acts on him and touching the child's genitals. <i>Id.</i> at ¶ 41. In other case, he had also been charged with Sexual Battery on a Person Less than 12 Years of Age, which had allegedly occurred at the subject premises. <i>Id.</i> at ¶ 42.	Law enforcement conducted in-person surveillance, observed the WiFi networks and determined that they were secure and password-protected. <i>Id.</i> at ¶¶ 39-40. It then obtained a search warrant
<i>In the Matter of the Search of Property of 5855 Hunting Lodge Road, Pleasant</i>	In addition to the target website that is [REDACTED] (target website 2), the Internet	Obtained search warrant.

Case	Other Derogatory Information	Law Enforcement Action
<i>Garden, NC 27313, Case No. 1:20-MJ-243-LPA (M.D.N.C., Aug. 18, 2020) (Affidavit in Support of Search Warrant)</i>	user was alleged to have accessed two other websites, which the FLA described using the same language. <i>Id.</i> at ¶ 55.	
<i>In the Matter of the Search of Entire property located at 291 Old Brunswick Rd., Gardiner, Maine 04345, Case No. 1:20-MJ-00255-JCN (D. Me., Sept. 8, 2020) (Affidavit in Support of Search Warrant)</i>	One of the residents had previously been arrested for public indecency. <i>Id.</i> at ¶ 30.	HSI conducted in-person surveillance and examined the wireless networks and determined that they were secure and password-protected. <i>Id.</i> at ¶ 31. It then obtained a search warrant.
<i>United States v. Vincent Kiejzo, Case No. 4:20-CR-40036-TSH (D. Mass., Oct. 19, 2021) (Defendant's Objection)</i>	The individual was alleged to have accessed not one but two sites on the same day.	Obtained search warrant.
<i>In the Matter of Search of Premises located at 6603 Crimson Lane, Barnhart Missouri, 63012, Case No. 4:20-MJ-3301-NCC (E.D. Mo., Nov. 12, 2020) (Affidavit in Support of Search Warrant)</i>	One of the two residents was a registered sex offender, who had previously been convicted of offenses of Transportation of Child Pornography, Attempted Receipt of Child Pornography, and Possession of Child Pornography. <i>Id.</i> at ¶ 38.	Obtained search warrant.
<i>In the Matter of Search at 234 South Magnolia Avenue, Lansing Michigan 48912, Case No. 1:20-MJ-00481-SJB (W.D. Mi., Nov. 19, 2020) (Affidavit in Support of Search Warrant)</i>	A pen register/trap and trace device (PRTT) revealed that an Internet user at the premises "accessed the Tor network on eight separate days [between September 16, 2020, and November 15, 2020]." <i>Id.</i> at ¶ 32.	Obtained search warrant.
<i>In the Matter of the Search of 54 Spruce St., Apartment 6, Burlington, VT, Case. No. 2:20-MJ-00143-KJD (D. Vt., Dec. 4, 2020) (Affidavit in Support of Search Warrant)</i>	"FLA provided approximately six (6) additional dates and times IP address 69.5.116.44 was used to access the CP Website." <i>Id.</i> at ¶ 36. "IP address 69.5.116.44 accessed the CP Website on April 18, 2019; April 24, 2019; April 26, 2019; April 27, 2019; May	Obtained search warrant.

Case	Other Derogatory Information	Law Enforcement Action
	1, 2019; May 3, 2019; and May 5, 2019.” <i>Id.</i> at ¶ 46.	
<i>United States v. Thomas S. Clark</i>, Case No. 2:21-MJ-00147-JLW (W.D. Wash., March 11, 2021) (Complaint)	The subscriber and resident was a registered sex offender, who had previously been convicted of Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct and Possession of Depictions of Minors Engaged in Sexually Explicit Conduct. <i>Id.</i> at ¶¶ 14-15.	Obtained search warrant
<i>United States v. David Corwin</i>, Case No. 2:21-CR-00218-JS (E.D.N.Y., Mar. 23, 2021) (Complaint)	FBI observed child pornography on suspect’s devices during consensual search. <i>Id.</i> at ¶¶ 5-9.	FBI agents conducted knock and talk, and the suspect consented to search of contents of electronic devices. <i>Id.</i> at ¶¶ 5-9.
<i>In the Matter of the Search of the premises known as 31 Adams Avenue, Rochester, NH</i>, Case No. 1:21-MJ-00146-AJ (D. NH., June 7, 2021) (Affidavit in Support of Complaint)	The male resident told law enforcement that a tenant next door had done IT work for him, and in 2019, his wife was alarmed by what she saw on the computer, but after that they had it wiped. The male resident’s wife reported finding child pornography on her husband’s computer.	On May 26, 2021, agents conducted a consensual “knock and talk” and spoke to the male resident. <i>Id.</i> at ¶¶ 12-15. On June 4, 2021, agents returned and spoke with his wife. <i>Id.</i> at ¶¶ 17-22. That same day, the wife called the agents and said she found child pornography on her husband’s computer. <i>Id.</i> at ¶¶ 23-24. HSI then obtained a search warrant